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October 11, 2012

BY EMAIL

Hon Denise L. Cote
United States District Judge
500 Pearl Street, Room 1610
New York, New York 10007-1312

RE: FHFA Actions, 11-cv-5201 (DLC) et al.

Dear Judge Cote:

Per DLC Chambers, docket in:

11-cv-5201	11-cv-6188
11-cv-6189	11-cv-6190
11-cv-6192	11-cv-6193
11-cv-6195	11-cv-6196
11-cv-6198	11-cv-6200
11-cv-6201	11-cv-6202
11-cv-6203	11-cv-6739
11-cv-7010	11-cv-7048

On behalf of defendants in the above-referenced actions ("Defendants"), we write to request that the Court's Order dated October 11, 2012 (the "October 11 Order") be made to apply to all parties, rather than to Defendants alone. Defendants respectfully submit that the Court and the parties will only have a complete understanding of the status of third party Loan File production if FHFA is also ordered to submit a Loan File status report prior to the upcoming conference.

In recent weeks, FHFA has issued hundreds of subpoenas to third party originators seeking loan files – including approximately 206 subpoenas issued in October alone (172 of which Defendants received notice of this morning). FHFA has also sought and received loan files from third parties prior to the commencement of these actions, through its purported contractual and administrative subpoena powers. Indeed, in response to the Court's August 10 Order directing all parties to exchange Loan File information, FHFA represented that a number of these contractual and/or administrative requests for loan files remain outstanding, some with return dates that began to run as late as September. FHFA has supplied no updates since.

Accordingly, Defendants respectfully request that FHFA be ordered to submit a Loan File status report setting out the information required by the October 11 Order, encompassing the status of, and FHFA's efforts to prosecute, (i) subpoenas issued in connection with these actions, (ii) subpoenas issued pursuant to FHFA's purported administrative or contractual powers, and (iii) any other formal or informal requests for loan files made by FHFA.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RAF' followed by a stylized flourish.

Robert A. Fumerton

cc: All counsel of record (by email)